

DEVELOPMENT CONTROL COMMITTEE

Monday 7th January, 2013 at 6.00 pm
in Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor Harris (Chair)
Councillor Roberts (Vice-Chair)
Councillors Casey, Perks, S Turner, Mrs Westwood, C Wilson, Wright and Zada

OFFICERS:-

Mr J Butler, Mr T Glews, Mrs H Martin, Mr Owen and Mr P Reed (all Directorate of the Urban Environment), Mrs G Breakwell and Mrs M Johal (Directorate of Corporate Resources)

53 **APOLOGY FOR ABSENCE**

An apology for absence from the meeting was submitted on behalf of Councillor Herbert.

54 **APPOINTMENT OF SUBSTITUTE MEMBER**

It was reported that Councillor Perks had been appointed as a substitute member for Councillor Herbert for this meeting only.

55 **DECLARATIONS OF INTEREST**

Declarations of non-pecuniary interests, in accordance with the Members' Code of Conduct, were made by the following:-

Councillor Wright in Planning Application Nos P11/1274 (Former Kuehne and Nagel UK, Netherton), P12/1273 (Priory Road Car Park, Dudley), P12/1354 (Dudley Canal Trust, Dudley) and P12/1426 (Former Wordsley Hospital, Wordsley) in view of reference made to the West Midlands Fire Service and the Black Country Living Museum, as he is a member of the West Midlands Fire and Rescue Authority and a Trustee of Black Country Living Museum.

Councillor Wright in Planning Application No P12/0928 (Fire Station, Hagley Road, Halesowen) as the application had been submitted by the West Midlands Fire Service and he is a member of the West Midlands Fire and Rescue Authority. Councillor Wright withdrew from the meeting during consideration of this item.

Councillor Harris in Agenda Item No 7 (Design in Brierley Hill Town Centre Supplementary Planning Document) in view of being a Member of the Brierley Hill Town Centre Partnership and Honorary Treasurer of Brierley Hill Civic Society as they were consultees on the Supplementary Planning Document.

Councillor Perks in Planning Application No P12/1354 – Dudley Canal Trust, Todds End Field, Dudley) in view of reference made to the Black Country Museum as she is a volunteer at the Museum.

56 MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 10th December, 2012, be approved as a correct record and signed.

57 SITE VISIT

Consideration was given to the following planning application in respect of which Members of the Committee had undertaken a site visit earlier that day.

Plan No P12/0581 – Trindle Road, Dudley – Demolition of Existing Buildings and Erection of Foodstore (A1), Car Park and Petrol Filling Station Together with Associated Access Works, Servicing and Landscaping

The Pre Committee note for this application was read out in full and the Committee considered the detailed information given by the Head of Planning regarding the letter received from Planning Prospects on the 4th January 2013 and the related responses.

Decision: Approved, subject to the following:-

- (1) Referral to the Secretary of State for consideration in accordance with Section 77 of the Town and Country Planning Act 1990.
- (2) The applicant being invited to make an application to the Secretary of State, under Section 247 of the Town and Country Planning Act 1990 to close, create and improve highways as shown on Drawing No 13238-22 revision K or subsequent revised drawing as agreed under delegated powers by the Director of the Urban Environment to enable development authorised by planning permission to take place; the full costs and works to the Local Authorities' satisfaction shall be met by the developer.

- (3) Conditions, numbered 1 to 31 (inclusive), as set out in the report submitted.
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58

PLANS AND APPLICATIONS TO DEVELOP

A report of the Director of the Urban Environment was submitted on the following plans and applications to develop. In addition, where appropriate, details of the plans and applications were displayed by electronic means at the meeting. In addition to the report submitted, notes known as Pre-Committee notes had also been circulated updating certain of the information given in the report submitted. The content of the notes were taken into account in respect of the applications to which they referred.

The following persons referred to had indicated that they wished to speak at the meeting and, unless indicated, spoke on the planning applications:-

Plan No P12/1426 – Ms Rowena Jeremy – an objector and Mr Howard Thorne – an agent/applicant (Not in Attendance)

- (i) Plan No P12/1426 – Building 12, Former Wordsley Hospital, Stream Road, Wordsley – Conversion of Existing Building to 9 No Apartments with Associated Parking (Amendment to Previously Approved Application P11/1511)

Decision: Approved, subject to conditions, numbered 1 to 18 (inclusive), as set out in the report submitted.

- (ii) Plan No P12/1274 – Former Kuehne and Nagel UK, Saltwells Road, Netherton, Dudley – Outline Application for the Demolition of Existing Building and Erection of 70 No Dwellings (Access to be Considered)

Decision: Approved, subject to the following:-

- (1) The applicant entering into a Section 106 Agreement for a contribution towards footpath improvements within Saltwells Local Nature Reserve totalling £2,365.72 and 10% affordable housing to be provided on site and a management and monitoring charge of £250.
- (2) The completion of the Agreement within three months of the date of this approval and, in the event of this not happening, the application being refused, if appropriate.
- (3) Conditions, numbered 1 to 22 and 24 to 27 (inclusive), as set out in the report submitted, together with amended conditions, numbered 9, 10, 12, 13 and 23 and additional conditions, numbered 28, 29 and 30, as follows:-

9. Where the approved risk assessment (required by condition 8) identifies contamination posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted to and approved by the Local Planning Authority.
10. Unless otherwise agreed in writing with the Local Planning Authority, the approved scheme (required by condition 9) shall be implemented and a verification report submitted to and approved by the Local Planning Authority, before the development (or relevant phase of the development) is first occupied/brought into use.
12. Where the approved risk assessment (required by condition 11) identifies ground gases or vapours posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted to and approved by the Local Planning Authority.
13. Unless otherwise agreed in writing with the Local Planning Authority, the approved scheme (required by condition 12) shall be implemented and a verification report submitted to and approved by the Local Planning Authority, before the development (or relevant phase of the development) is first occupied/brought into use.
23. Prior to demolition if this is in advance of any subsequent planning applications bat surveys to the standard of either the Nature Conservation SPD or Bat Conservation Trust's Bat Surveys: Good Practice Guidelines (2012) must be submitted along with a plan of any mitigation required for agreement at Reserved Matters stage. The surveys must include the whole of the site (including appropriate areas adjacent to the site) and be carried out by an experienced and qualified bat worker and integrated into a site mitigation plan. All works must be carried out in accordance to the approved plan and retained for the lifetime of the development.

28. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up and including the 1 in 100 year + 30% critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- Limiting the surface water runoff to Greenfield Rates, around 5l/s per hectare
- Details of how the scheme shall be maintained and managed after completion.

29. No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- 1) A preliminary risk assessment which has identified:
All previous uses
Potential contaminants associated with those uses
A conceptual model of the site indicating sources, pathways and receptors
Potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

30. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

and that the Director of the Urban Environment be authorised to amend the foregoing conditions as necessary.

- (iii) Plan No P12/0928 – Fire Station, Hagley Road, Halesowen – Outline Application for Demolition of Fire Station and Erection of 14 No Dwellings (Access to be Considered)

Decision: Approved, subject to conditions, numbered 1 to 7 and 9 to 27 (inclusive), as set out in the report submitted, together with a revised condition, numbered 8, and additional condition, numbered 28, as follows:-

8. For the avoidance of doubt any subsequent reserved matters application shall include details of the parking and turning areas within the site. The development shall be carried out in full accordance with those details prior to the first occupation of any of the dwellings hereby approved and shall be retained as such thereafter.

28. For the avoidance of doubt any subsequent reserved matters application shall take account of the existing turning head on Ashfield Grove and the development shall not encroach into it.
- (iv) Plan No P12/1273 – Priory Road Car Park, Priory Road, Dudley – Erection of New Four-Storey Education Building, Together with Associated Access Works, Car Parking and Landscaping

Decision: Approved, subject to conditions, numbered 1 and 2, 5, 7 to 9 and 11 and 13 to 20 (inclusive), as set out in the report submitted, together with the deletion of condition, numbered 12 and revised conditions, numbered 3, 4, 6 and 10, as follows:-

3. No development shall take place unless an obligation under Section 106 of the Town and Country Planning Act 1990 between the Local Planning Authority and all persons interested in the land within the application site has been executed, such obligation to secure the following:
- (1) The payment of £10,000.00 for Car Parking Monitoring and associated Traffic Regulation Orders
 - (2) £1,340.00 for the monitoring, management and implementation of the above obligations, and
 - (3) An agreement not to implement the development approved under planning permission P10/0954 in the event that the development approved under this application is implemented, and
 - (4) The Council's Legal Fees for drafting the agreement.
4. Prior to the first occupation of the development, details of nature conservation enhancement works shall be submitted to and approved in writing by the Local Planning Authority. The nature conservation enhancements works shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
6. Prior to the first occupation of the development, details of works of public art shall be submitted to and approved in writing by the Local Planning Authority. The works of public art shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.

10. Prior to the commencement of development, a detailed landscaping scheme (incorporating all hard and soft landscaping) for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include provisions for the maintenance of landscaped areas on the site, including a commitment to replacement planting in the event that any planting becomes diseased, damaged or removed. The agreed scheme shall be implemented in accordance with the approved details before the building hereby approved first being brought into use (for the hard landscaping) and before the end of the first planting season following initial occupation of the development (for the soft landscaping).

(v) Plan No P12/1333 – Land Adjacent to 122 High Street, Lye, Stourbridge – Outline Application for the Erection of 19 No Dwellings (All Matters Reserved)

Decision: Approved, subject to the following:-

- (1) The applicant entering into a Section 106 Agreement for 25% onsite provision of affordable housing and management and monitoring fees of £500.
- (2) The completion of the Agreement within three months of the date of this approval and, in the event of this not happening, the application being refused, if appropriate.
- (3) Conditions, numbered 1 to 12 and 15 to 24 (inclusive), as set out in the report submitted, together with amended conditions, numbered 13 and 14, as follows:-
 13. Where the approved risk assessment (required by condition No 12) identifies contamination posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted to and approved by the Local Planning Authority.
 14. Unless otherwise agreed in writing with the Local Planning Authority, the approved scheme (required by condition No 13) shall be implemented and a verification report submitted to and approved by the Local Planning Authority, before the development (or relevant phase of the development) is first occupied/brought into use.

and that the Director of the Urban Environment be authorised to amend the foregoing conditions as necessary.

- (vi) Plan No P12/1354 – Dudley Canal Trust, Todds End Field, Birmingham New Road, Dudley – Erection of a Portal (Learning and Access Hub) with Associated Works to Include Pedestrian Swing Bridge (Over Canal), Car Park Improvements and Landscaping

Decision: Approved, subject to conditions, numbered 1 to 15 (inclusive), as set out in the report submitted.

- (vii) Plan No P12/1359 – Dudley College, The Broadway, Dudley – Variation of Conditions 3, 8, 20 of Planning Application P10/0954

Decision: Approved, subject to conditions, numbered 1, 4, 6 to 10 and 12 to 23 (inclusive), as set out in the report submitted, together with revised conditions, numbered 2, 3, 5 and 11, as follows:-

2. Prior to the first occupation details of public realms works shall be submitted to and approved in writing by the Local Planning Authority. The public realm works shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
3. Prior to the first occupation details of works of public art shall be submitted to and approved in writing by the Local Planning Authority. The works of public art shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
5. Application for Reserved Matters shall be made and the development shall commence before 24th September 2015.
11. The development shall not be begun until the revocation or expiry of planning permission P06/2167/E1 has been secured.

- (viii) Plan No P12/1413 – Netherend Unitarian Chapel, Park Lane, Cradley, Halesowen – Fell 5 Lime Trees and 1 Beech Tree. Pollard 7 Lime Trees

Decision: Approved, subject to conditions, numbered 1 and 2, as set out in the report submitted.

- (ix) Plan No P12/1450 – LCP House (Building 36), First Avenue, Pensnett Trading Estate, Kingswinford – Fell 12 Leylandii Trees. Fell 3 Multi-Stem Ash Seedlings, Coppice 8 Multi-Stem Willow Trees and 30 Single Stem Willow Trees. Crown Lift all Trees to a Height of 5 Metres Along Boundary Fence from 46 Hinsford Close over 30 Metres as on Plan. Crown Lift all Trees to a Height of 3.6 Metres Along Stallings Lane as on Plan. Pollard 1 Willow Tree.

Decision: Approved, subject to the condition, numbered 1, as set out in the report submitted.

- (x) Plan No P12/1585 – 11 Heath Street, Stourbridge – Fell 1 Cypress Tree and Reduce 1 Sycamore by 30%. Trim off Epicormic Growth

Decision: That the Director of the Urban Environment be authorised to approve the application subject to no adverse comments being received following the expiration of the public consultation period, and to the condition, numbered 1, as set out in the report submitted.

59 DESIGN IN BRIERLEY HILL TOWN CENTRE SUPPLEMENTARY PLANNING DOCUMENT

A report of the Director of the Urban Environment was submitted on the Design in Brierley Hill Town Centre Supplementary Planning Document (SPD) and its role as supporting guidance to the adopted Brierley Hill Area Action Plan.

RESOLVED

That the information contained in the report submitted on the Design in Brierley Hill Town Centre Supplementary Planning Document (SPD) and its role as supporting guidance to the adopted Brierley Hill Area Action Plan, be noted.

60 REVOCAION OF TREE PRESERVATION ORDER

A report of the Director of the Urban Environment was submitted on whether the Tree Preservation Order, as indicated in Appendix 1 of the report submitted, should be revoked due to a change in circumstances since it was originally made.

RESOLVED

That approval be given to the revocation of the Tree Preservation Order indicated in Appendix 1 of the report submitted, namely: The Borough of Dudley (80/82. Ellowes Road, Lower Gornal) Tree Preservation Order 1995.

The meeting ended at 7.30 pm.

CHAIR